Public Notice

US Army Corps of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice Number: SPK-2007-02165-DC
Date: February 1, 2008
Comments Due: March 2, 2008
In reply, please refer to the Public Notice Number

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to the Castle Rock Cut project, which would result in impacts to approximately 58 acres of waters of the United States, within Lake Powell. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at http://www.spk.usace.army.mil/regulatory.html.

AUTHORITY: This application is being evaluated under Section 10 of the Rivers and Harbors Act of 1899 for structures or work in or affecting navigable waters of the United States and Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States, and Section 401 for water quality certification.

APPLICANT: National Park Service (NPS)
Glen Canyon National Recreation Area
Stan Austin, Acting Superintendent
Post Office 1507
Page, Arizona 86040

LOCATION: The project site is located in Lake Powell, Section 2 and 3, Township 44 South, Range 4 East, Kane County, Utah, and can be seen on the Page, Arizona and Warm Creek Bay, Utah, 7.5-minute, USGS Topographic Quadrangle. Specifically the project area is located at the north end of Antelope Island, south of Castle Rock and between Wahweap and Warm Creek Bays on Lake Powell (Figure 5).

PROJECT DESCRIPTION: The project involves drilling, blasting, excavating, and disposal of sandstone bedrock and accumulated silts and sediments associated with deepening an existing cut channel between Wahweap Bay and Warm Creek Bay. All of the listed activities will be located below the ordinary high-water mark, which is established by the Glen Canyon Dam spillway (3,700 feet mean seal level (msl)). Based on the available information, the overall project purpose is to improve navigational access from the southwestern end of Lake Powell to areas uplake and enhance the visitor experience during periods when the lake level is below 3,620 feet msl. The applicant believes there is a need to reduce boat travel time and user costs between Wahweap Bay and uplake destination for Glen Canyon National Recreation Area (GCNA) visitors and emergency response crews, restore GCNA visitation to levels that occurred prior to the loss use of Castle Rock Cut, and reduce boating hazards associated with the increase in Antelope Canyon boat traffic due to the closure of Castle Rock Cut. The detour around Castle Rock Cut is approximately 12 miles and typically requires an hour or more of additional travel in each direction. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Background Information. Castle Rock Cut was originally excavated in 1972, while Lake Powell was being filled, and was approximately 7 feet deep with the channel bottom elevation at 3,622 feet. The U.S. Army Corps of Engineers (Corps) issued a permit in 1992 (Corps file number 199101152), allowing deepening of the cut to a bottom elevation of 3,613 feet. A modification to this permit issued in 1993 authorized additional excavation to a bottom elevation of 3,611 feet to allow continued use of the cut by boats despite lowering lake levels over time.

The approximate bottom elevation of the cut is now 3,615 feet at the center, tapering to water level on the outside (i.e., a V-shaped channel in cross-section). Due to the continued decline in surface water elevation, the existing cut has not allowed passage of boats between Wahweap Bay and Warm Creek Bay since 2003.

Project Description. This project proposes further deepening the existing cut to a bottom elevation of 3,580 feet, which will allow use by most recreational watercraft when the lake surface elevation is at or above 3,585 feet. Most of the recreational watercraft on this part of the lake, including houseboats and personal watercraft, but not including the larger tour boats, draft approximately 4 feet. To use Castle Rock Cut at its current bottom elevation of 3,615 feet, these craft need a minimum water level elevation of 3,620 feet.

Construction activities will include the drilling, blasting, excavation, and disposal of sandstone bedrock material, including accumulated silts and sediments, from the cut. All construction equipment, materials, and personnel will be transported to the work site by barge from Stateline Ramp at Wahweap Marina. There will be no overland vehicle or equipment access between Stateline Ramp and the work site (Castle Rock Cut).

The contractor will set up a small (no more than 100 feet by 100 feet) fenced construction yard and an equipment loading area on an existing parking area on or near Stateline Ramp. There will be no storage of fuel or lubricants at this construction yard/equipment loading area. At the work site, barges will offload equipment, vehicles, and materials at or near the western end and north of the existing cut. Equipment, vehicles, and materials will be transported from this landing area to various staging areas in the work site by overland travel without grading or graveling new access roads.

Construction is anticipated to start in March 2008 and to take place over at least several years. Work is expected to be complete within 5 years, with the construction schedule dependent on reservoir levels and funding. Excavation in any one year will not go below the lake level elevation at the time of construction. It is anticipated that in the first year, construction activities will include the drilling and blasting of sandstone bedrock to the target depth of 3,580 feet in elevation. Excavation of materials will then take place. Excavation will only occur to lake level elevations, which is anticipated to be approximately 3,600 feet in the first year. The remainder of the blasted bedrock will remain in place as fractured material. Within the 5-year permitting period that is being requested, additional material will be excavated from the cut down to the 3,580 feet in elevation as funding and water-levels allow. In any one year, construction will take place between December 15 and June 15 dependent on lake level elevations, and the contractor may work up to 7 days a week and 24 hours a day, if necessary.

Construction activities will be limited to a designated area north of the existing cut. The entire work area is located below the designated Lake Powell OHWM elevation of 3,700 feet (Figure 3). The proposed cut will have a maximum bottom width of 80 feet. The south side of the existing cut at 3,620 feet elevation will serve as the southern construction limit, from which a vertical wall will be cut and excavated. All work will extend north, with the northern bank being sloped from the channel bottom at approximately a 1.5:1 slope, resulting in a width of approximately 150 feet at the top of the cut (Figure 4). The disposal area for materials excavated from the cut (i.e., an estimated 400,000 cubic yards) will be located between 3,610 and 3,640 feet in elevation, entirely below the OHWM and will be disposed of in a 50-acre area, resulting in an average depth of fill of approximately 5 feet. Placement of fill in the disposal area will not affect navigation because all boat traffic will be directed through the cut by a series of buoys, and boats would not pass over the disposal area. The contractor will be responsible for the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) to prevent discharge of potential pollutants to Waters of the United States. The SWPPP will include best management practices that address erosion control, proper containment of hazardous materials, and waste management.

Environmental Setting: The elevation of the project area ranges from approximately 3,615 feet msl (bottom elevation of existing cut) to 3,640 feet msl (upper extent of proposed material disposal areas). Geology is predominantly Navajo sandstone. The site is located in the Great Basin desert scrub biotic community. Areas above the OHWM of the lake generally support sparse vegetation dominated by shadscale *(Atriplex confertifolia)* and blackbrush *(Coleogyne ramosissima).* The construction site occurs entirely below the OHWM and has been

disturbed by inundation and construction activities associated with excavation of the existing cut. Existing vegetation is dominated by salt cedar *(Tamarix ramosissima)* and Russian thistle (*Salsola* spp.).

Alternatives: The applicant has provided information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

"No Action" Alternative

"No Action" is an alternative that results in no construction requiring a Corps permit. In this case, because Lake Powell is a navigable water subject to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act, work cannot occur below the OHWM of Lake Powell without Corps authorization. Consequently, "No Action" means the proposed project would not take place, and the Castle Rock Cut would remain in its current condition and available for use by boat traffic only at lake levels of 3,620 feet or higher. During times of lower lake levels, boat traffic would use the longer Antelope Canyon route to reach uplake destinations.

Alternatives Eliminated From Further Consideration

Deeper Cut Alternative

An alternative was evaluated that would have excavated the existing cut to the 3,560-foot elevation contour (20 feet deeper than proposed project), thereby increasing its availability to boat traffic by providing access at lake levels of 3,565 feet or higher. This alternative would have increased the estimated average time the cut is open by 9 percent over the proposed action (to 91 percent from 82 percent of the time) during the peak boating season (summer) and 9 percent (to 87 percent from 78 percent of the time) on a year-round basis over the next 20 years. This alternative would have resulted in the disposal of an additional 565,000 cubic yards (965,000 cubic yards vs. 400,000 cubic yards) compared with the proposed action. It would have also extended the length of the cut from approximately 3,200 feet to 6,250 feet and increased the total area of impact to Waters of the United States to approximately 60 acres. Though the disposal area would have remained at 50 acres, the average depth of fill would have increased from 5 feet to 12 feet. This alternative met the project purpose but would have a larger impact area than the preferred alternative at the cut and disposal locations, in addition to being more expensive. As a result, this alternative was eliminated from further consideration.

Mitigation

The NPS will require its contractor to implement the following mitigation measures as part of the proposed action:

- To prevent the potential spread of the quagga and zebra mussels, the hulls, engines, and other submersible parts of any boats used during project construction and any other equipment that will be used in Lake Powell will be pressure-washed with hot water before entering the lake.

- To minimize the potential for the project to harm the California condor, all personnel working at the site will implement the following measures:

– If a condor is spotted directly on or over the construction site, activities will cease until the bird leaves or is driven off by a Glen Canyon National Recreation Area biologist.

– Construction workers and supervisors are instructed to avoid interaction with condors and to immediately contact the Interpretation and Resources Division at the Glen Canyon National Recreation Area if and when condors settle at the construction site.

– The construction site will be cleaned up at the end of each day (e.g., trash removed, scrap materials picked up) to minimize the likelihood of condors visiting the site.

– All dead animals found within 500 feet of the construction zone will be immediately disposed of by placing the carcass in the nearest available Dumpsters. Dumpsters will be emptied on a regular basis so as not to encourage roosting by condors that may be attracted to odor coming from the Dumpsters.

– To prevent water contamination and potential poisoning of condors, a spill prevention and cleanup plan will be developed and implemented for this project. It will include provisions for immediate cleanup of any hazardous substance and will define how each hazardous substance will be treated in case of leakage or spill. This plan needs to consider possible leakage from support vehicles as well as drill rigs.

– All construction personnel will be given a copy of "California Condors in Arizona."

– Project personnel are strictly prohibited from hazing condors (chasing, flapping arms, throwing objects, honking horn, etc.)

- If previously unidentified cultural resources are discovered during construction-related activities, construction activities will be halted. The NPS will be notified immediately, and arrangements will be made for the appropriate assessment and treatment of those resources.

- To protect water quality during construction, diesel fuel and hydraulic fluids will be stored in sealed containers in an isolated area on the project site.

- To minimize adverse impacts to aesthetics, light shields will be used at the construction site if nighttime excavation takes place.

OTHER GOVERNMENTAL AUTHORIZATIONS: Under Section 401 of the Clean Water Act, water quality certification or a waiver is required from the Utah Division of Water Quality for this project. The Utah Division of Water Quality intends to issue certification provided that the proposed work will not violate applicable water quality standards. Projects are usually certified where the project may create diffuse sources (non-point sources) of wastes which will occur only during the actual construction activity and where best management practices would be employed to minimize pollution effects. Written comments on water quality certification should be submitted to Ms. Shelly Quick, Utah Division of Water Quality, 288 North 1460 West, P. O. Box 144870, Salt Lake City, Utah 84114-4870, on or before **March 2, 2008.**

HISTORIC PROPERTIES: Based on the available information, cultural resources not are within the project's area of potential effect. The NPS is the lead-Federal agency for this project and is therefore responsible for complying with Section 106 of the National Historic Preservation Act.

ENDANGERED SPECIES: The project will not affect any Federally-listed threatened or endangered species or their critical habitat that are protected by the Endangered Species Act. The NPS is the lead-Federal agency for this project and is therefore responsible for complying with Section 7 of the Endangered Species Act.

ESSENTIAL FISH HABITAT: The proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the

needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice SPK-2007-02165-DC must be submitted to the office listed below on or before March 2, 2008.

Kara Hellige, Project Manager
US Army Corps of Engineers, Sacramento District
Durango Regulatory Office
799 E. 3rd Street, #2
Durango, Colorado 81301
Email: kara.a.hellige@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Kara Hellige, 970-375-9452, kara.a.hellige@usace.army.mil.

Attachments: 5 drawings